

AN ACT

relating to the cancellation of the voter registration and to the eligibility to vote of persons who are deceased or not citizens of the United States.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 16.001, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) Each month the local registrar of deaths shall prepare an abstract of each death certificate issued in the month for a decedent 18 years of age or older who was a resident of the state at the time of death. The local registrar of deaths shall file each abstract with the voter registrar of the decedent's county of residence and the secretary of state not later than the 10th day of the month following the month in which the abstract is prepared.

(b) Each month the clerk of each court having probate jurisdiction shall prepare an abstract of each application for probate of a will, administration of a decedent's estate, or determination of heirship, and each affidavit under Section 137, Texas Probate Code, that is filed in the month with a court served by the clerk. The clerk shall file each abstract with the voter registrar and the secretary of state not later than the 10th day of the month following the month in which the abstract is prepared.

(d) The secretary of state shall quarterly obtain from the

1 United States Social Security Administration available information  
2 specified by the secretary relating to deceased residents of the  
3 state.

4 SECTION 2. Section 16.031(b), Election Code, is amended to  
5 read as follows:

6 (b) The registrar shall cancel a voter's registration  
7 immediately if the registrar:

8 (1) determines from information received under  
9 Section 16.001(c) that the voter is deceased;

10 (2) has personal knowledge that the voter is deceased;  
11 ~~[or]~~

12 (3) receives from a person related within the second  
13 degree by consanguinity or affinity, as determined under Chapter  
14 573, Government Code, to the voter a sworn statement by that person  
15 indicating that the voter is deceased; or

16 (4) receives notice from the secretary of state under  
17 Section 18.068 that the voter is deceased.

18 SECTION 3. Section 16.0332(a), Election Code, is amended to  
19 read as follows:

20 (a) After the registrar receives a list under Section 18.068  
21 of this code or Section 62.113, Government Code, of persons excused  
22 or disqualified from jury service because of citizenship status,  
23 the registrar shall deliver to each registered voter whose name  
24 appears on the list a written notice requiring the voter to submit  
25 to the registrar proof of United States citizenship in the form of a  
26 certified copy of the voter's birth certificate, United States  
27 passport, or certificate of naturalization or any other form

1 prescribed by the secretary of state. The notice shall be delivered  
2 by forwardable mail to the mailing address on the voter's  
3 registration application and to any new address of the voter known  
4 to the registrar.

5 SECTION 4. Subchapter C, Chapter 18, Election Code, is  
6 amended by adding Section 18.068 to read as follows:

7 Sec. 18.068. COMPARISON OF INFORMATION REGARDING  
8 INELIGIBILITY. The secretary of state shall quarterly compare the  
9 information received under Section 16.001 of this code and Section  
10 62.113, Government Code, to the statewide computerized voter  
11 registration list. If the secretary determines that a voter on the  
12 registration list is deceased or has been excused or disqualified  
13 from jury service because the voter is not a citizen, the secretary  
14 shall send notice of the determination to the voter registrar of the  
15 counties considered appropriate by the secretary.

16 SECTION 5. Section 62.0132, Government Code, is amended by  
17 adding Subsection (h) to read as follows:

18 (h) The questionnaire must notify a person that if the  
19 person states that the person is not a citizen, the person will no  
20 longer be eligible to vote if the person fails to provide proof of  
21 citizenship.

22 SECTION 6. Section 62.0142, Government Code, is amended to  
23 read as follows:

24 Sec. 62.0142. NOTICE ON WRITTEN SUMMONS. If a written  
25 summons for jury duty allows a person to claim a disqualification or  
26 exemption by signing a statement and returning it to the clerk of  
27 the court, the form must notify the person that by claiming a

1 disqualification or exemption based on:

2           (1) the lack of citizenship, the person will no longer  
3 be eligible to vote if the person fails to provide proof of  
4 citizenship; or

5           (2) lack of residence in the county, the person might  
6 no longer be eligible to vote in the county.

7           SECTION 7. Sections 62.113(b) and (c), Government Code, are  
8 amended to read as follows:

9           (b) On the third business day of each month, the clerk shall  
10 send a copy of the list of persons excused or disqualified because  
11 of citizenship in the previous month to:

12           (1) the voter registrar of the county;

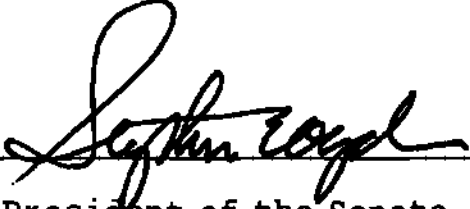
13           (2) the secretary of state; and

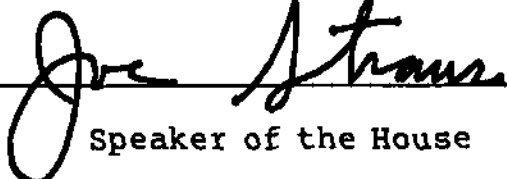
14           (3) the county or district attorney, as applicable,  
15 for an investigation of whether the person committed an offense  
16 under Section 13.007, Election Code, or other law.

17           (c) A list compiled under this section may not be used for a  
18 purpose other than a purpose described by Subsection (b) or Section  
19 16.0332 or 18.068, Election Code.

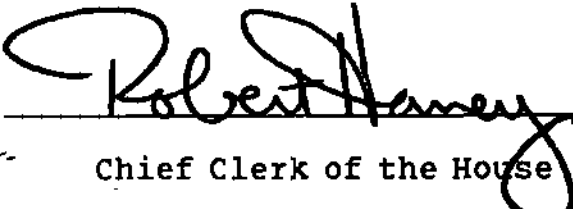
20           SECTION 8. The changes in law made by this Act to Sections  
21 62.0132 and 62.0142, Government Code, apply only to a written  
22 summons or questionnaire printed on or after the effective date of  
23 this Act. A written summons or questionnaire printed before the  
24 effective date of this Act is governed by the law in effect  
25 immediately before the effective date of this Act, and the former  
26 law is continued in effect for that purpose.

27           SECTION 9. This Act takes effect September 1, 2011.

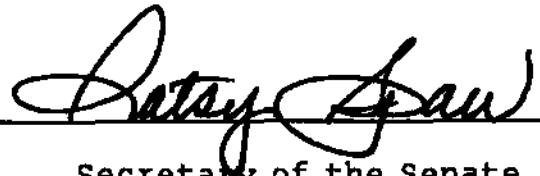
  
President of the Senate

H.B. No. 174  
  
Speaker of the House

I certify that H.B. No. 174 was passed by the House on May 10, 2011, by the following vote: Yeas 143, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 174 on May 25, 2011, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

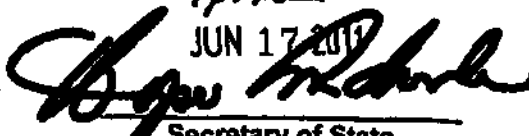
  
Chief Clerk of the House

I certify that H.B. No. 174 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 31, Nays 0.

  
Secretary of the Senate

APPROVED: 17 Jun'11  
Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4pm O'CLOCK  
JUN 17 2011  
  
Secretary of State